

Panaji, 5th April, 1979 (Chaitra 15, 1901)

SERIES I No. 1

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

#### Notification

HD(T)/8-15/77

Whereas certain draft rules, further to amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, were published as required by sub-section (1) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), at page 493 of the Official Gazette No. 34, Series I, dated 23rd November, 1978 under the Notification No. HD(T)/8-15/77 dated 17th November, 1978 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 23rd November, 1978;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (2) of section 24, read with sub-section (2) of section 11 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974 (lastly amended by Notification No. HD(TA-Tpt)/1-6/75 dated 17th February 1977 published in the Official Gazette No. 48, Series I, dated 24th February 1977) namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles Tax (Fifth Amendment) Rules, 1979.

(2) They shall come into force at once.

2. *Amendment of Rule 22.*—In sub-rule (1) of Rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, for clause (XI), the following shall be substituted, namely:—

“(XI) Invalid carriages including motor vehicles specially adapted which are owned or used

by physically handicapped or orthopaedically handicapped persons ... Total exemption: provided the vehicle is driven by the physically handicapped person himself or is driven by a driver for his benefit”.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. B. Verekar, Under Secretary (Home).

Panaji, 19th March, 1979.

### Industries and Labour Department

#### Notification

2-192-78-IPD

In exercise of the powers conferred by sub-section (2) of section 21 read with section 51(A) of the Indian Electricity Act, 1910 (Central Act 9 of 1910), the Lieutenant Governor of Goa, Daman and Diu hereby amends “the conditions and miscellaneous charges for supply of Electrical Energy” (hereinafter called the “principal Notification”) as follows, namely:—

In principal Notification, clause 35, in sub-clause (f), for the words and figures “within 6 months from such date” the words on or before 31-3-1979 shall be substituted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 24th March, 1979.

### Law Department (Legal Advice)

#### Notification

LD/6/2/79

The following Act which was passed by the Legislative Assembly and assented to by the Administrator on 27-3-1979 is hereby published for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 30th March, 1979.

# THE GOA, DAMAN AND DIU SUPPLEMENTARY APPROPRIATION ACT, 1979

(Act No. 2 of 1979) [27-3-1979]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services and purposes of the financial year 1978-79.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirtieth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Supplementary Appropriation Act, 1979.

2. **Issue of Rs. 6,92,86,500 out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1978-79.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of six crores ninety two lakhs eighty six thousand and five hundred rupees towards defraying the several charges which will come in course of payment during the financial year 1978-79 in respect of the services and purposes specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

## THE SCHEDULE (See Sections 2 and 3)

No. of Demand	Services and purposes	Sums not exceeding			Total
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu		
1	2	3	4	5	
		Rs.	Rs.	Rs.	
1.	Union Territory Legislature and Elections ...	—	4,000	4,000	
2.	Miscellaneous General Services ...	3,42,000	59,000	4,01,000	
3.	Administration of Justice ...	4,500	35,000	39,500	
4.	Land Revenue, Stamps and Registration ...	25,000	—	25,000	
5.	State Excise, Sales Tax and Other Taxes and Duties ...	1,68,000	—	1,68,000	
6.	Taxes on Vehicles...	25,000	—	25,000	
	Appropriation—Interest Payments ...	—	90,96,000	90,96,000	
12.	Public Works, Housing and Urban Development ...	20,70,000	—	20,70,000	
14.	Education, Art and Culture ...	74,70,000	—	74,70,000	

1	2	3	4	5
		Rs.	Rs.	Rs.
15.	Medical, Family Welfare and Public Health, Sanitation and Water Supply	5,70,000	—	5,70,000
16.	Information and Publicity ...	4,45,000	—	4,45,000
17.	Labour and Employment ...	8,65,000	—	8,65,000
18.	Social Security and Welfare, Relief on Account of Natural Calamities and Food	25,000	—	25,000
19.	Co-operation and Community Development ...	1,19,67,000	—	1,19,67,000
21.	Agriculture and Allied Services ...	25,000	—	25,000
22.	Irrigation and Power Projects ...	1,98,78,000	—	1,98,78,000
23.	Industries ...	1,03,20,000	—	1,03,20,000
24.	Road and Water Transport Services (including Ports) ...	35,69,000	—	35,69,000
25.	Tourism ...	2,01,000	—	2,01,000
	Appropriation—Public Debt ...	—	68,000	68,000
26.	Loans and Advances by the Union Territory Government ...	20,55,000	—	20,55,000
	Total ...	6,00,24,500	92,62,000	6,92,86,500

Secretariat,

Panaji,

29th March, 1979.

K. C. D. GANGWANI

Secretary to the Government of Goa, Daman and Diu.

Law Department (Legal Advice)

## Notification

LD/224/79

The following Bill namely the Janata Trusteeship Bill, 1978 (Bill No. 66 of 1978) as introduced in Lok Sabha on 20-4-1978 is hereby published for the purpose of eliciting opinion thereon.

Any person or public body desiring to submit an opinion on the Bill may forward the same in triplicate to the Under Secretary to the Government of Goa, Daman and Diu, Law Department, Secretariat, Panaji on or before 1st August, 1979 for onward transmission to Lok Sabha Secretariat, New Delhi.

B. S. Subbanna, Under Secretary (Law).

Panaji, 22nd January, 1979.

## THE JANATA TRUSTEESHIP BILL, 1978

By

Dr. Ramji Singh, M. P.

## ARRANGEMENT OF CLAUSES

### Clauses

- Short title, extent and commencement.
- Definitions.
- Provisions to have effect notwithstanding any law in force.

## Clauses

4. Formation of a Trust Corporation.
5. Information to Registrar.
6. Interim management.
7. Panchayat of trustees.
8. Right of workers to vote.
9. Qualification for election as trustees.
10. Functions of Panchayat.
11. Profits to be credited to Government of India.
12. Wages of employees.
13. Payment of Bonus.
14. Works Committees.
15. Managing Trustee.
16. Managing trustee to be nominated in certain cases.
17. Term of Office of Managing Trustee.
18. Removal of Managing Trustee.
19. Remuneration of Managing Trustee.
20. Successor of Managing Trustee.
21. Salaries.
22. Chairman of the Panchayat.
23. Panchayat to act through the Managing Trustee.
24. Control over employees.
25. Power of Managing Trustee.
26. Audit.
27. Scrutiny of accounts.
28. Government to acquire Trust Corporation in certain cases.
29. Coordination with national plans.
30. Acquired undertakings.
31. New Trust Corporations.
32. Application of rules.
33. Managing Trustee of a new corporation.
34. Power to make rules.

## Bill No. 66 of 1978

## The Janata Trusteeship Bill, 1978

By

Dr. Ramji Singh, M. P.

A

## BILL

*to provide for the creation of Trust Corporations for further development of enterprises and for matters connected therewith.*

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:

1. *Short title, extent and commencement.*—(1) This Act may be called the Janata Trusteeship Act, 1978.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act unless the context otherwise requires,—

(a) “business” means and includes industries, plantations, banks, trade, transport or any other activity carried on for profit;

(b) “company” means any public or private limited company registered under the Companies Act, 1956, and having a subscribed capital of more than a million rupees;

(c) “Panchayat” means the organ of management of a trust Corporation constituted in the manner provided in this Act.

(d) “Trust Corporation” means any public or private limited company which has declared itself a Trust Corporation under this Act.

3. *Provisions to have effect notwithstanding any law in force.*—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

4. *Formation of a Trust Corporation.*—A company may, by a resolution passed by a majority of shareholders present and voting at its general meeting, declare itself to be a Trust Corporation.

5. *Information to Registrar.*—Immediately after the passing of the resolution referred to in section 4, the managing agent or the manager or the secretary of the company shall notify the same to the Registrar of Joint Stock Companies in whose jurisdiction the head office of the Company is situated.

6. *Interim management.*—The Registrar, on receiving such notice, shall direct the managing agent, the manager or the secretary, as the case may be, to carry on the day to day business of the Company as an interim managing trustee.

7. *Panchayat of Trustees.*—The Registrar shall, as soon as possible, arrange to take stock of the assets and liabilities of the Company and shall constitute a Panchayat of Trustees consisting of not more than sixteen members, in the following manner, to supervise, control and direct the managing trustee:—

(a) not more than five trustees to be nominated by the shareholders of the company at its general meeting;

(b) not more than five trustees to be elected by the trade union of the employees of the company of whom at least one shall be from the managerial staff, one from the jobbers and the rest from any section of the employees;

(c) five trustees, to be nominated by the Registrar of Joint Stock Companies, as experts, one each from the Planning Commission, Ministry of Industry, Trade and Commerce, Department of Company Law, Department of Labour of the State Government concerned and a nominee of the Municipal Committee or Corporation of the locality in which the Head Office of the Company is situated;

(d) the interim managing trustee shall be an *ex-officio* member of the Panchayat.

8. *Right of workers to vote.*—Every worker who has been in the employment of the company for not less than six months shall have the right to vote in the election of the trustees.

9. *Qualification for election as trustees.*—No representative of workers shall be included in the Panchayat unless he belongs to a united trade union which makes an active demand for responsible participation in the management of the Trust Corporation.

10. *Functions of Panchayat.*—The Panchayat shall decide all major questions relating to the management of the business of the Trust Corporation and, in particular, frame rules for the efficient management of the corporation, approve its annual production plans and annual accounts, construction and development programme, purchases, sales, loan, credits, wages, salaries, bonus to employees and interest, if any, to shareholders.

11. *Profits to be credited to Government of India.* — The profits of the Trust Corporation after due provision being made for depreciation and provident funds, shall be credited to the income-tax folio of the Ministry of Finance, Government of India for being allocated to the different States according to the recommendations of the Finance Commission.

12. *Wages of employees.* — The employees of the Trust Corporation shall not demand any rise in wages which is not commensurate with the earnings of an average villager or the uniform scales of wages determined by the Ministry of Labour, Employment and Rehabilitation of the Government of India.

13. *Payment of bonus.* — The Panchayat may sanction payment of general bonus or individual merit bonus for surpassing the annual production targets fixed for the Corporation.

14. *Works committees.* — Works Committees of employees shall be formed in every department of the Trust Corporation and they shall be entrusted with the job of explaining the decisions of the Panchayat to the employees, maintenance of the discipline and execution of welfare schemes of the Trust Corporation.

15. *Managing trustee.* — The managing agent, the manager or the secretary of the company, which has declared itself to be a Trust Corporation, shall become the *ex-officio* managing trustee of the corporation.

16. *Managing trustee to be nominated in certain cases.* — If the managing agents are a company or a firm such company or firm may nominate the first managing trustee of the Trust Corporation.

17. *Term of office of managing trustee.* — The first managing trustee shall continue in office for five years or till he attains the age of sixty years, whichever is longer.

18. *Removal of managing trustee.* — The managing trustee shall be liable to be removed from office by the Panchayat for a criminal breach of trust.

19. *Remuneration of managing trustee.* — (1) The remuneration of the first managing trustee shall be fixed by a contract between him and the Panchayat.

(2) In case of a dispute regarding the remuneration of the first, managing trustee, the Registrar of Joint Stock companies shall fix the same after taking into consideration the standard of life to which the first managing trustee is accustomed.

20. *Successor of managing trustee.* — The first managing trustee may recommend a successor to his office but the final appointment shall be made by the Panchayat.

21. *Salaries.* — The salaries of subsequent managing trustees and other supervisory or technical staff shall be fixed by the Panchayat.

22. *Chairman of Panchayat.* — The Panchayat shall elect a Chairman from among its members, who shall summon its meetings from time to time and shall preside over the same.

23. *Panchayat to act through managing trustee.* — The Panchayat shall supervise the work of the managing trustee, examine his reports and give him instructions in regard to the day to day administration as also the policies and programme of the Corporation.

24. *Control over the employees.* — All employees of the Trust Corporation shall be subject to the authority of the managing trustee in performing their duties.

25. *Power of managing trustee.* — The managing trustee shall be empowered to impose disciplinary penalties on defaulting employees.

26. *Audit.* — The accounts of the Trust Corporation shall be audited by the Comptroller and Auditor General of India.

27. *Scrutiny of accounts.* — Statements of income and expenditure, balance-sheets and statements of assets and liabilities shall be placed before a joint annual general meeting of all employees of the Trust Corporation and the shareholders of the company.

28. *Government to acquire Trust Corporation in certain cases.* — The Registrar of Joint Stock Companies, on being satisfied on the basis of auditor's report that the affairs of a Trust Corporation are being conducted in a manner harmful to the interests of the community, may recommend to the Central Government to take over the assets of the corporation and dispose them of in any manner it deems fit.

29. *Coordination with national plans.* — The co-ordination of the industrial or commercial activities of the Trust Corporation with the national plans for economic development shall be the responsibility of the representative of the Planning Commission on the Panchayat, whose decisions in this regard shall be final.

30. *Acquired undertakings.* — Any industry or undertaking whose management has been taken over by the Government under the Industries (Development and Regulation) Act, 1951, and entrusted to the Registrar of Joint Stock Companies, may be treated as a trust corporation for the purposes of this Act.

31. *New Trust Corporations.* — New Trust Corporations may be floated *ab initio* by an individual entrepreneur investing fifty per cent of the subscribed capital, provided that the Central or the State Government concerned agreed to contribute the other half; so, however, that the total equity capital does not exceed twenty lakh rupees.

32. *Application of rules.* — A Trust Corporation formed under section 31 shall be subject to the same rules as are applicable to any other Trust Corporation formed under this Act.

33. *Managing trustee of a new corporation.* — The terms agreed to between the managing trustee of a corporation formed under section 31 and the Government in respect of remuneration shall be valid during the active lifetime of the original managing trustee.



**34. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act:

Provided that the rules made hereunder shall not make any discrimination between companies owned or managed by Indian and foreign nationals.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### Statement of Objects and Reasons

"Enjoy thy wealth by renouncing it" (*ten tyaktena Bhunjithat*) is *mantram* of the Upanisad. "All property belongs to God" — says the Ramayana (*Sampati Sab Raghupati Ke Ahi*). True to this spirit of Indian culture, Mahatma Gandhi had put forward before India the concept of social obligation of business, known as "Trusteeship". Ours is a Socialist Republic but Indian Socialism must be evolved in accordance with the nation's innate culture and traditions and not merely a "carbon copy of the West. Professor E. F. Schumacher has rightly said: "If India should be able to move along the path of *Equality through Trusteeship*, she could become a beacon to the world". *Industrial Common Ownership Act, 1976* passed by the British Parliament merely vindicates the stand of the Mahatma. Late Dr. Ram Manohar Lohia had tried to introduce "The Indian Trusteeship Bill" in 1967 but the sanction to introduce the Bill was withheld at the first instance and when it was assured of giving active consideration, it was too late and Dr. Lohia died in October, 1967. Thanks to Shri George Fernandes, who succeeded in introducing the Bill in 1969 during Gandhi Centenary Year, as a fitting memorial to the Father of the Nation. But it could not become a law. The Janata Government is dedicated to the values and ideals of Gandhiji and hence the enactment of this legislation will be a tribute to Government and the people and also to the Father of the Nation.

Under State-regulated trusteeship, the individual will be free to make as much money as he likes, but will not be free to hold or use his wealth for selfish satisfaction or in disregard of the interests of society, i. e. they will be allowed to become statutory trustees. The Bill seeks to provide such an opportunity to the owners of large companies and proposes necessary provisions for the democratic management of the resultant trust corporations. The provisions of the Bill are intended to usher peacefully an era of a socialist society, which will be built not solely on monetary incentives but on ideas of service to society. Whether it is private capitalistic or state-capitalistic forms, they concentrate power in few hands and reserve the privilege

of creativity and production for those already rich or powerful — multinationals, tycoons, bureaucrats, commissars, and the like. The provisions of the Bill are expected to promote increased productivity by giving the workers a sense of full and intelligent participation in the process of production, purchases, sales and investment of the enterprise.

The Bill is not a compulsory but a permissive measure enabling the present owners of large companies to transform their existing titles based on absolute rights into trust ownership.

New Delhi;

RAMJI SINGH

The 1st November, 1977.

President's Recommendation under Articles 117 and 274 of the Constitution of India

[Copy of letter No. 7/45/77-CL. V, dated the 13th March, 1978 from Shri Shanti Bhushan, Minister of Law, Justice and Company Affairs to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Janata Trusteeship Bill by Dr. Ramji Singh, Member, Lok Sabha, recommends under clause (1) of article 117 and clause (1) of article 274 of the Constitution the introduction of the Bill and under clause (3) of article 117 of the Constitution the consideration of the said Bill by the Lok Sabha.

#### Financial Memorandum

Clause 31 of the Bill provides that the Central Government may invest 50 per cent of the authorised capital of a new Trust Corporation that may be set up by any entrepreneurs. The Bill, therefore, if enacted is likely to involve a recurring expenditure of about Rs. 25 lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

#### Memorandum regarding Delegated Legislation

Clause 34 of the Bill confers on the Central Government power to make rules to carry out the purposes of the Bill when enacted. Generally, these rules will relate to matters of details and procedure. The delegation of legislative power is, therefore, of a normal character.

#### Notification

LD/2095/79

The following ordinances which were promulgated by the President of India on 31-1-1979 are hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 20th February, 1979.

# MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 31st January, 1979/Magha 11,  
1900 (Saka)

## THE SUGAR UNDERTAKINGS (TAKING OVER OF MANAGEMENT) AMENDMENT ORDINANCE, 1979

No. 2 of 1979

Promulgated by the President in the Thirtieth Year  
of the Republic of India.

An Ordinance to amend the Sugar Undertakings  
(Taking Over of Management) Act, 1978.

Whereas Parliament is not in session and the Pre-  
sident is satisfied that circumstances exist which  
render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers con-  
ferred by clause (1) of article 123 of the Consti-  
tution, the President is pleased to promulgate the  
following Ordinance:—

1. *Short title and commencement.*— (1) This Ordi-  
nance may be called the Sugar Undertakings (Ta-  
king Over of Management) Amendment Ordinance,  
1979.

(2) It shall come into force at once.

2. *Amendment of section 3 of Act 49 of 1978.*—  
In section 3 of the Sugar Undertakings (Taking  
Over of Management) Act, 1978 (hereinafter re-  
ferred to as the principal Act), in sub-section (1), in  
clause (b), for the words “purchased before that  
date”, the following shall be substituted and shall  
be deemed always to have been substituted, na-  
mely:—

“purchased, at any time (whether in that  
sugar year or in any earlier sugar year or  
sugar years and whether before or after the  
commencement of this Act), before that date”.

3. *Validation.*— Notwithstanding any judgment,  
decree or order (whether interim or otherwise) of  
any court, anything or any action (including the  
issue by the Central Government of any notification  
declaring that the management of any sugar under-  
taking shall vest in the Central Government on and  
from the date specified in such notification) done  
or taken or purported to have been done or taken  
under section 3 of the principal Act or under the  
corresponding provisions of the Ordinance which  
was repealed by the principal Act, shall, for all pur-  
poses, be deemed to be and to have always been as  
validly done or taken as if such thing or action  
(including the issue of such notification) had been  
done or taken under section 3 of the principal Act  
as amended by section 2 of this Ordinance and  
accordingly—

(a) no suit or other proceeding shall be main-  
tained or continued in any court against the  
Central Government or any person or autho-  
rity whatsoever for the restoration to the owner  
of the management of any sugar undertaking  
with respect to which such notification had  
been issued by the Central Government;

(b) no court shall enforce any decree or  
order (including an interim order) for the res-  
toration to the owner of the management of any  
sugar undertaking with respect to which such  
notification had been issued by the Central Go-  
vernment; and

(c) every such notification shall be, and  
shall be deemed always to have been, valid,  
effective and enforceable by or on behalf of the  
Central Government in accordance with the  
tenor thereof and the provisions of the principal  
Act as amended by this Ordinance.

*Explanation.*— Words and expressions used in  
this section which are defined in, or for the mean-  
ings of which provision has been made in, section 2  
of the principal Act shall have the same meanings  
as under that section.

N. SANJIVA REDDY,

President.

R. V. S. PERI SASTRI,

Secy. to the Govt. of India.

New Delhi, the 31st January, 1979/Magha 11,  
1900 (Saka)

## THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS (AMENDMENT) ORDINANCE, 1979

No. 3 of 1979

Promulgated by the President in the Thirtieth Year  
of the Republic of India.

An Ordinance further to amend the Working Jour-  
nalists and Other Newspaper Employees (Condi-  
tions of Service) and Miscellaneous Provisions  
Act, 1955.

Whereas the Wage Board constituted  
under section 9 of the Working Journa-  
lists and Other Newspaper Employees  
(Conditions of Service) and Miscella-  
neous Provisions Act, 1955 by the notifi-  
cation of the Government of India in the  
Ministry of Labour, No. S. O. 809, dated  
the 6th February, 1976 for fixing and  
revising rates of wages in respect of  
working journalists and the Wage Board  
constituted under section 13C of the said  
Act by the notification of the Govern-  
ment of India in the Ministry of Labour,  
No. S. O. 1958, dated the 11th June, 1975  
for fixing and revising rates of wages in  
respect of non-journalist newspaper em-  
ployees have not been able to function  
effectively;

45 of 1955.

And Whereas the consequent delay on the part of  
the said Boards in making their recommendations to  
the Central Government has impeded the making of  
proper provision for securing to working journa-  
lists and non-journalist newspaper employees just  
conditions of work;

And Whereas for dealing with the situations referred to in the foregoing paragraphs and matters arising therefrom it is necessary in the public interest to make alternative arrangements for the purpose of fixing and revising rates of wages in respect of working journalists and in respect of non-journalist newspaper employees under the said Act and thereby securing to them speedily just conditions of work;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1979.

(2) It shall come into force at once.

2. *Act 45 of 1955 to be temporarily amended.*—During the period of operation of this Ordinance, the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 to 7.

3. *Amendment of section 2.*—In section 2 of the principal Act, after clause (e), the following clause shall be inserted, namely:—

“(ee) “Tribunal” means,—

(i) in relation to working journalists, the Tribunal constituted under section 13AA; and

(ii) in relation to non-journalist newspaper employees, the Tribunal constituted under section 13DD;”

4. *Insertion of new section 13AA.*—In Chapter II of the principal Act, after section 13A, the following section shall be inserted, namely:—

“13AA. *Constitution of Tribunal for fixing or revising rates of wages in respect of working journalists.*—(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that the Board constituted under section 9 for the purpose of fixing or revising rates of wages in respect of working journalists under this Act has not been able to function (for any reason whatsoever) effectively, and in the circumstances, it is necessary so to do, it may, by notification in the Official Gazette, constitute a Tribunal, which shall consist of a person who is, or has been, a Judge of a High Court or the Supreme Court, for the purpose of fixing or revising rates of wages in respect of working journalists under this Act.

(2) The provisions of sections 10 to 13A shall apply to, and in relation to, the Tribunal constituted under sub-section (1) of this section, the Central Government and working journalists, subject to the modifications that—

(a) the references to the Board therein, wherever they occur, shall be construed as references to the Tribunal;

(b) in sub-section (3) of section 11,—

(i) the reference to the office of Chairman or any other member of the Board shall be construed as a reference to the office of the person constituting the Tribunal; and

(ii) the reference to section 9 shall be construed as a reference to sub-section (1) of this section; and

(c) the references in section 13 and section 13A to section 12 shall be construed as references to section 12 read with this section.

(3) The Tribunal, in discharging its functions under this Act, may act on the evidence recorded by the Wage Board or partly recorded by the Wage Board and partly recorded by itself:

Provided that if the Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as it may permit, the witness shall be discharged.

(4) On the constitution of a Tribunal under sub-section (1), the Board constituted under section 9 and functioning immediately before such constitution shall cease to exist and the members constituting that Board shall be deemed to have vacated their offices:

Provided that any interim rates of wages fixed by the Central Government under section 13A in respect of working journalists and in force immediately before the constitution of the Tribunal shall remain in force until the order of the Central Government under section 12 read with this section, comes into operation.”

5. *Insertion of new section 13DD.*—In Chapter IIA of the principal Act, after section 13D, the following section shall be inserted, namely:—

“13DD. *Constitution of Tribunal for fixing or revising rates of wages in respect of non-journalist newspaper employees.*—(1) Notwithstanding anything contained in this Act, where the Central Government is of opinion that the Board constituted under section 13C for the purpose of fixing or revising rates of wages in respect of non-journalist newspaper employees under this Act has not been able to function (for any reason whatsoever) effectively, and in the circumstances, it is necessary so to do, it may, by notification in the Official Gazette, constitute a Tribunal, which shall consist of a person who is, or has been, a Judge of a High Court or the Supreme Court, for the purpose of fixing or revising rates of wages in respect of non-journalist newspaper employees under this Act.

(2) The provisions of sections 10 to 13A shall apply to, and in relation to, the Tribunal constituted under sub-section (1) of this section, the Central Government and non-journalist newspaper employees, subject to the modifications that—

(a) the references to the Board and working journalists therein, wherever they occur, shall be construed respectively as references to the Tribunal and to non-journalist newspaper employees;

(b) in sub-section (3) of section 11, —

(i) the reference to the office of Chairman or any other member of the Board shall be construed as a reference to the office of the person constituting the Tribunal; and

(ii) the reference to section 9 shall be construed as a reference to sub-section (1) of this section; and

(c) the references in section 13 and section 13A to section 12 shall be construed as references to section 12 read with this section.

(3) The Tribunal, in discharging its functions under this Act, may act on the evidence recorded by the Wage Board or partly recorded by the Wage Board and partly recorded by itself:

Provided that if the Tribunal is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as it may permit, the witness shall be discharged.

(4) On the constitution of a Tribunal under sub-section (1), the Board constituted under section 13C and functioning immediately before such cons-

titution shall cease to exist and the members constituting that Board shall be deemed to have vacated their offices:

Provided that any interim rates of wages fixed by the Central Government under section 13A read with section 13D in respect of non-journalist newspaper employees and in force immediately before the constitution of the Tribunal shall remain in force until the order of the Central Government under section 12 read with this section comes into operation."

6. *Amendment of section 19.* — In section 19 of the principal Act, after the words "member of the Board", the words "or the person constituting the Tribunal" shall be inserted.

7. *Amendment of section 20.* — In section 20 of the principal Act, in clause (d) of sub-section (2), after the word "Board", the words "or, as the case may be, the Tribunal," shall be inserted.

N. SANJIVA REDDY,  
*President.*

R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*